

POINT RUSTON

5219 N. SHIRLEY ST. SUITE 100 RUSTON, WA 98407

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December 15, 2013

Mr. Kevin L. Rochlin
Remedial Project Manager
U.S. Environmental Protection Agency
Region 10
1200 Sixth Avenue, ECL-111
Seattle, WA 98101

RE: Monthly Report: No. 210, November 2013
Operable Unit No. 02 - Asarco Tacoma Smelter Site

Dear Mr. Rochlin:

Point Ruston is submitting this monthly report per the requirements of paragraph 48 of the Consent Decree for the above referenced site. The report is organized to follow item (a) through (g) of this paragraph.

If you have any questions, please call me at (253) 752-2185, extension 236.

Sincerely,



Loren Cohen
Manager of Legal Affairs

Attachment (2 copies)

cc: Peter Stripplin - Washington Department of Ecology
Evan Griffiths - CH2MHill (2 copies)
Leslie Ann Rose - Citizens for a Healthy Bay
Mike Oelrich - Hydrometrics, Inc.

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a) *Actions taken to achieve compliance with the Consent Decree during the previous month.*

1. Point Ruston personnel and its contractors continued to implement various components of the Remedial Action over the month of November. Point Ruston met with EPA for various coordination meetings on November 1, 2013 and November 26, 2013. Work continued on many various RA tasks, including work associated with the following projects:
 - Phase 1 CMP – O&M
 - Waterwalk CMP – O&M
 - Temporary Cap & Storm Water Management Plan – O&M
 - Sequence of Development Plan & Occupancy Plan – Implementing standards or site occupancy
 - Occupancy Air Monitoring Plan – Daily air monitoring and reporting
 - Long Term OMMP – implementing O&M
 - Metro Parks Peninsula Park CMP – Implementing O&M
2. On June 18 Point Ruston submitted the final construction report for the MICMP. On July 9 the MICMP received conditional approval. Point Ruston submitted the Final MICMP Construction Report on August 2, 2013. Point Ruston is awaiting final EPA approval.
3. Point Ruston completed construction of the RA under the Peninsula Park CMP, and discussed further installation of additional wattles to combat the erosion on the seaward side of the Peninsula as part of O&M.
4. Point Ruston continued to conduct on-site and off-site Air Monitoring per the approved air monitoring plan under the CH&SP. All results were sent to EPA.
5. Point Ruston continued to conduct daily inspections and maintenance on the TIC and site-wide storm water conveyance system. Point Ruston submitted final As-Built drawings for the TIC per EPA comments.
6. Point Ruston continued to perform all site maintenance and monitoring, including all requirements under the Site Wide Construction Health and Safety Plan as well as implementation of the OCF OMMP plan. This included collection, sampling and contracting for the hauling of the leachate. O&M also included maintaining clean work areas and roads, fencing and CRZ connections between the site area and phases. O&M inspection reports conducted weekly and data is included in the site-inspection reports (see attached).

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7. Point Ruston conducted training activities for site visitors and workers, including the following:

- Site Safety Orientations (Clean Zone) were held for:
 - i. Eight (8) site visitors and personnel of various companies

b) *Summary of sampling, tests and all other data received or generated by Point Ruston in the previous month.*

1. Storm water outfall sampling, data and related activities include the following:

Section 2.3 of the Final Statement of Work (SOW) for Remedial Design and Remedial Action – Exhibit F to the Second Amendment requires Point Ruston to continue outfall monitoring. Outfalls will be monitored to determine if the monthly average surface water outfall concentrations for arsenic, copper and zinc exceed 0.5 ppm at the North and South site outfalls until they are abandoned. The South outfall was abandoned on February 15th, 2013.

Weekly composite samples will be collected at each outfall during the construction season. During the winter season, outfall samples will be collected every other month. Asarco began the following schedule in May of 2003, which Point Ruston will continue to implement: weekly composite samples will be collected from April-October, and in December and February.

In addition to the North Outfall, Point Ruston monitors an existing upland station southwest of the Grand Avenue & Ruston Way roundabout. This monitoring station is designated OSW2. Samples were not collected for the month of November.

2. OCF leachate sampling, data, disposal and related activities include the following:

Point Ruston collects OCF leachate in a 5,000-gallon polyethylene tank for offsite shipment and disposal. The OCF OMMP requires inspections to correspond with monthly, quarterly, or semi-annual reporting intervals as specified by the Response Action Plan. However, Point Ruston inspects LCRS and LDCRS volumes daily. LCRS volumes currently average approximately 80 gallons per day. Point Ruston currently ships 4,700-5,000 gallons approximately every 60 days. Leachate disposal was not required in November.

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3. Air Monitoring, sampling, data and related activities include the following:

Point Ruston performs perimeter (off-site) air monitoring for arsenic and lead analysis at two locations: NW corner of OCF and south ridge of OCF (vault #1). Point Ruston also performs occupancy (on-site) air monitoring for arsenic and lead analysis at three additional locations: Lot 4B (nursery), Lot 1A and Lot 14. Results for samples collected November 4th through December 1st are attached. There were no exceedances.

Point Ruston performs monitoring for total suspended particulates (TSP) with a 24-hour daily average trigger level of 81 $\mu\text{g}/\text{m}^3$. A long-term dust monitoring network consisting of three (3) real-time dust monitors was installed on March 15, 2013. Currently the TSP e-sampling stations are installed in the following locations: Lot 1A (paired with Hi-Vol), Lot 12 and Lot 15A. The TSP monitors transmit 5-minute average TSP readings to a host computer that logs and calculates the data into 60-minute averages. If 60-minute averages exceed the trigger level the host computer will generate an email and/or text notification to designated personnel who will investigate and take appropriate action. Air monitoring details, including corrective actions, are found in Appendix A of the Development and Occupancy Plan. TSP data is evaluated and recorded daily. On November 25th, and 26th atmospheric weather conditions caused TSP readings to exceed the trigger level and corrective actions were not required. (See attached memos).

Point Ruston performs personal air monitoring in accordance with WAC 296-848-20060(1) & WAC 296-155-17609(1) (a) to determine if the airborne concentrations of arsenic and lead exceed the PEL. Personal air monitoring (Exposure Evaluations) was not required in November.

4. Methane gas monitoring sampling, data and related activities include the following:

Point Ruston performs subsurface methane gas monitoring pursuant to the EPA approved "Building 2B Sampling & Analysis Plan – Subsurface Gas Monitoring Activities" plan. In 2009 a passive gas extraction system was installed in conjunction with the 2B-West building foundation. Four (4) vent pipes were roughed-in through the floor slab. Sampling at these locations has been ongoing, pursuant to ASTM E2600. The Gas Monitoring Data Log and field worksheet for the month of November are attached. No methane has been detected to date. Methane monitoring of the passive extraction system will continue.

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5. Point Ruston performs miscellaneous on-site soil sampling related to its various ongoing RA work and development. Miscellaneous soil sampling was not required in November.

c) *Work Plans and other deliverables completed and submitted during the previous month.*

1. Plans and Documents included the following:

Temporary Cap Plan & Site-Wide Storm Water Plan

EPA issued condition approval of the TIC Plan on April 22nd. Point Ruston submitted updated As-Built drawings in response to comments received from EPA.

Waterwalk CMP

Point Ruston submitted the Draft Construction Report on March 8, 2013, and is awaiting initial comments. On July 16, Point Ruston received comments to the Waterwalk RA CMP from the EPA. Point Ruston is waiting to resubmit the report until the bio-barriers have been placed under all of the trees. As discussed during the November 26, 2013 review meeting, Point Ruston understands that the landscaper will install bio-barriers in accordance with the plans.

Master Infrastructure CMP (MICMP)

The Final MICMP Construction Report was submitted electronically via Hydrometrics FTP site to the EPA on August 2, 2013. Point Ruston is awaiting EPA approval.

Operations Maintenance and Monitoring Plan (OMMP)

The report prepared for the Annual O&M inspection for the MICMP was submitted to the EPA as part of the Point Ruston September monthly report. Point Ruston purchased new software in November to track data under the OMMP.

Sediment Capping RA

Point Ruston and DNR continue to pursue the Consent Decree with the EPA.

Peninsula Park CMP

Point Ruston is awaiting EPA comments on the Draft Construction report for Peninsula Park, which was submitted to EPA on November 13, 2013. Point

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Ruston is preparing a set of As-Built Drawings for review by the City of Ruston as requested by Ruston's planner.

2. Remedial Action included the following tasks:

OCF RA construction activities:

Maintained leachate collection system; inspected storm drain system, vaults and cover; maintained the temporary storage area related to site-wide grading and Temporary Cap construction.

Phase 1 CMP RA construction activities:

All RA activities are complete, and O&M of the RA components is ongoing. Vertical construction of the condominium component of Phase 1 is ongoing.

Waterwalk CMP RA construction activities:

O&M activities have been ongoing, and Point Ruston has implemented final punch work associated with City of Tacoma requirements for the Waterwalk. Point Ruston and EPA discussed installation of bio-barriers and understands that the landscaper will install them according to plans. Point Ruston plans to resubmit the final Construction Report after the bio-barriers are installed.

Temporary Impervious Cap and Construction Storm Water Management Plan RA construction activities:

The TIC has been completed and O&M of the TIC is on-going. As-Built drawings were revised following EPA comments.

Peninsula Park RA CMP

Point Ruston completed to work on the Remedial Action approved under the Peninsula Park CMP. Point Ruston is awaiting EPA comments on the Draft Construction Report for Peninsula Park, which was submitted to EPA on November 13, 2013.

Site-wide remediation/redevelopment activities:

- Continued surface water controls
- Maintained onsite haul roads and stockpiles
- Maintained erosion and surface water controls; Inspected and repaired silt fence and exclusion zone fencing.
- Continued site-wide dust monitoring and control through site and access road watering, as needed.
- Maintained air-monitoring program per CH&SP requirements

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- Continued to maintain Ruston Way Construction Health and Safety protocols, including air monitoring, dust suppression, buffer zone maintenance, fencing and signage.
- Construction of a clean material handling yard was completed in the MMZ area.

d) Actions scheduled for the next six weeks:

1. Continue to work with DNR and EPA to ensure finalization of the Consent Decree between the agencies is accomplished in accordance with the terms of the Point Ruston/DNR settlement agreement.
2. Point Ruston to maintain the Ruston Way Health and Safety protocols, including applying tacifier to all buffer areas with exposed soils and continuing to monitor for dust.
3. Point Ruston to continue implementation of the Waterwalk occupancy controls as well as any required O&M. Point Ruston to submit a memo describing the multi-layer cap installation between the Waterwalk and future Building 1A.
4. Point Ruston to continue to implementation of the Phase 1 (Copperline Apartments) occupancy controls as well as any required O&M. Vertical construction of the 2B condominium is ongoing.
5. Point Ruston to submit the Draft Construction Report for the Peninsula Park project, and continue construction of the Peninsula Park CMP project.
6. Finalizing RD approvals for the following plans and documents:
 - Final Construction Report Waterwalk CMP
 - Final Construction Report for the MICMP
 - Final Construction Report for Peninsula Park CMP
7. Continue the O&M and inspections associated with the TIC and site-wide storm water facilities as well as submit a memo with As-Built drawings for the Temporary Cap.
8. Continue CH&SP air monitoring during RA activities. Also, TSP sampling and analysis and correlating the data for eventual data-ram analysis during occupancy.

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9. Work to project completion of the settlement with Metro Parks Tacoma and the State of Washington regarding the off-site remedial action required under the Consent Decree.
10. Continue to work on necessary items to closing the Purchase and Sale of the Waterwalk Property, per the terms of the agreement with the city of Tacoma.

The following Remedial Action tasks are planned to continue:

Monitoring:

- a. Outfall sampling (weekly composite samples) during scheduled months
- b. Air monitoring per the Air Monitoring Plan

OCF OMMP activities:

- a. Continue collection of leachate for offsite disposal
- b. Continue monitoring of leachate volumes

Stack Hill activities:

- a. Erosion controls and site maintenance; maintain roads and landscaping.
- b. Continue sales & marketing effort from sales office

Site-wide construction activities:

- a. Maintain roads and stockpiles onsite
- b. Maintain erosion controls
- c. Complete site-wide grading and placement of onsite stockpiles and soils in advance of subgrade construction and compaction.
- d. Maintain erosion control BMPs and CH&SP standards

Phase 1 CMP

- a. Continue to implement all necessary O&M of the approved Phase 1 area.
- b. Modify the Phase 1 fencing plan upon approval from EPA.

Waterwalk CMP

- a. Maintain erosion control BMPs and CH&SP standards as well as conduct all necessary O&M inspections and maintenance.
- b. Install bio-barriers on trees.
- c. Monitor the children's playground

Peninsula Park CMP

- a. Continue to construct this project including peninsula capping and associated improvements as well as maintain all erosion control BMPs and CH&SP standards.

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- b. Complete pouring concrete for breaks in the sidewalk.

Temporary Impervious Cap and Construction Storm Water Management Plan

- a. Continue inspections and Monitoring.

Phase 2 CMP

- a. Implement changes discussed with EPA to the Phase 2 CMP and submit. Point Ruston is currently reviewing the Site controls and tentatively plans to submit building permit applications in mid-October quickly followed by the Phase 2 CMP with a goal for a Phase 2 construction start in January 2014.

e) Percentage completion, unresolved delays encountered or anticipated that may affect schedule, and efforts to mitigate delays.

- Completion of EPA negotiations on RA schedule modifications and associated matters related to the Consent Decree.
- The Town of Ruston's interpretation of CECLA Section 121 interferes in Point Ruston's implementation of vital aspects of the on-site remedial action and redevelopment of the former ASARCO smelter site. Point Ruston continues attempt to work this issue.

f) Modifications to work plans or schedules proposed to or approved by EPA.

1. The Second Amendment to the Consent Decree was finalized and the sale of the property to Point Ruston LLC completed on October 31, 2006.
2. Point Ruston and EPA agreed to begin final negotiations of a Consent Decree amendment to include updates to the SOW Schedule. Discussions are on-going. Point Ruston has entered into tolling agreements with the Department of Justice in order to facilitate negotiations over this extension and other related aspects of the Consent Decree.

g) Activities undertaken to support Community Relations Plan during the previous month and planned for the next four weeks.

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1. Point Ruston continues to work in conjunction with staff from the Town of Ruston and City of Tacoma regarding development plans which incorporate remediation components for the site, including operation, maintenance, and monitoring issues at the site.
2. Point Ruston continues to meet with the Town of Ruston, City of Tacoma and Metro Parks to address operation, maintenance, and monitoring issues at the site, including the Waterwalk area which ultimately will be sold to the City of Tacoma and maintained under contact by Metro Parks Tacoma.
3. Point Ruston has been invited to give a status report and update to the Puyallup Tribal Council, the Governing body of the Puyallup Tribe of Indians.